THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1164 of 2005

ORDER:

This writ petition is filed seeking Certiorari to call for the records relating to proceedings dated 26.2.2002 issued by the first respondent and the consequential orders passed by the respondents 2 and 3 dated 26.3.2002 and 16.11.2004 respectively and quash the same as arbitrary and illegal.

It appears, pursuant to the notification issued to fill up the fair price shop dealerships in respect of Pesarlanka village, Battiprolu mandal, Guntur district, petitioner as well as fourth respondent applied for the same. After completing all the formalities, the first respondent passed an order appointing fourth respondent as the fair price shop dealer of Pesarlanka village. Questioning the same, petitioner carried the matter in appeal before the second respondent-Joint Collector. The second respondent after detailed consideration of the matter, came to the conclusion that the first respondent has followed due procedure in appointing fourth respondent, who belongs to Swathi Mahila Dwacra group to run the fair price shop at Pesarlanka village. Aggrieved by the same, petitioner preferred revision before the third respondent-District Collector. The third respondent also confirmed the orders passed by the second respondent and dismissed the revision. Aggrieved by the same, the present writ petition is filed.

The grievance of the petitioner is that the vacancy was notified for Backward Class (Women) candidate. The fourth respondent does not belong to B.C. community and on the other hand, she belongs to Scheduled Caste community, therefore, the question of appointing fourth respondent as fair price shop dealer does not arise and the same is contrary to the very notification itself.

There is no necessity of going into all the details.

Though the vacancy is notified for B.C. women candidate, but that was subject to preference to be given to Mahila groups as per the note appended to the said notification. The learned Government Pleader placed the original notification along with the note, which contains that the notification is subject to the note appended thereto and in view of that authorization was granted in favour of fourth respondent. Further, the petitioner along three others gave a representation to the first respondent stating that they have no objection for allotting the fair price shop in favour of fourth respondent who is a member of Swathi Mahila Dwacra group, and they would abide by the decision in this regard. Once the petitioner given her consent for appointing fourth respondent on preferential basis as per notification, the question of challenging such orders does not arise. The appeal as well as revision filed by the petitioner are misconceived and therefore, they are rightly dismissed. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 24.8.2006
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1164 of 2005

24.8.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1164 of 2005

Dated: 24th August, 2006

Between:

R.Showrilu

.. Petitioner

and

The Sub-Collector,

Tenali, Guntur district & others.

.. Respondents